

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

RSA-2650 of 2012 (O&M)  
Date of decision: 05.12.2018

Radhey Shyam

...Appellant

Versus

Ram Niwas through LR's and others

...Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. J.P. Sharma, Advocate  
for the appellant.

Mr. Abhinav Sood, Advocate for  
Mr. Vikram Singh, Advocate  
for respondent Nos.2, 3, 5 and legal representatives of  
respondent Nos.1 & 4.

\*\*\*\*

**REKHA MITTAL, J. (Oral)**

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for injunction filed by the respondents/plaintiffs restraining the defendants including the appellant from interfering in peaceful use of passage marked by letters 'FKJHML' situated at village Satnali, Tehsil and District Mahendergarh, detailed in para 1 of the judgment of trial Court was decreed by the Additional Civil Judge (Senior Division), Mahendergarh vide judgment and decree dated 05.05.2010 that came to be affirmed in appeal by the District Judge, Narnaul on 10.04.2012.

Perusal of the judgments passed by the Courts would reveal

that both the Courts have relied upon a judgment in previous litigation wherein the disputed site has been held to be a passage, to accept contention of the respondents/plaintiffs that defendants including the appellant cannot be allowed to interfere in peaceful use of the passage in question by the respondents/plaintiffs.

Counsel for the appellant has failed to point out any materials on record to substantiate plea of the appellant that consistent findings recorded by the Courts suffer from error much less perversity, warranting interference.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

05.12.2018  
*sumit.k*

**(REKHA MITTAL)**  
**JUDGE**

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |